

MAR - 1 2005

MARY L.M. MORAN  
CLERK OF COURT

CARLSMITH BALL LLP

DAVID LEDGER

Bank of Hawaii Bldg., Suite 401  
134 West Soledad Avenue, P.O. Box BF  
Hagåtña, Guam 96932-5027  
Tel No. 671.472.6813

Attorneys for Defendant  
Japan Airlines International Co., Ltd.

## IN THE DISTRICT COURT OF GUAM

ROBERTO J. DEL ROSARIO and  
MELANIE DEL ROSARIO,

Plaintiffs,

vs.

JAPAN AIRLINES INTERNATIONAL  
CO., LTD.,

Defendant.

CIVIL CASE NO. CIV04-00028

**STIPULATION TO AMEND RULE 16  
SCHEDULING ORDER AND  
DISCOVERY PLAN; ORDER;  
DECLARATION OF SERVICE**

WHEREAS, the existing Rule 16 Scheduling Order filed September 24, 2004 has the following deadlines and dates:

1. Motions to add parties and claims: February 11, 2005.
2. Motions to amend pleadings: February 11, 2005.
3. Discovery motions: February 1, 2005.
4. Discovery cutoff: April 1, 2005
5. Dispositive motions: April 29, 2005.
6. Parties' Pretrial Materials, Discovery Materials, Witness Lists, Exhibit Lists and

Designation of Discovery Responses: June 13, 2005.

7. Proposed Pretrial Order: June 13, 2005.
8. Final Pretrial Conference: June 20, 2005.
9. Trial: June 27, 2005.

WHEREAS, the above dates were agreed upon and submitted to the Court based on a number of circumstances, including the then alleged nature and extent of the personal injury to Plaintiff;

WHEREAS, in February 2005, Plaintiff's Counsel informed Defendant's Counsel that Plaintiff was alleging an injury substantially different in nature and of greater harm, such that Plaintiff would seek surgery at an off-island health care facility;

WHEREAS, such allegation of more serious injury and the surgery will require substantially more discovery, from both lay and expert witnesses, than that which was originally contemplated;

WHEREAS, since the surgery has yet to be scheduled and the convalescence period is yet unknown, it is difficult to predict when post-surgery discovery may commence;

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES that the Rule 16 Scheduling Order should be amended to extend the each of the above listed dates by one hundred eighty days (180) days, the new dates then being as shown below.

1. Motions to add parties and claims: August 10, 2005.
2. Motions to amend pleadings: August 10, 2005.
3. Discovery motions: August 1, 2005.
4. Discovery cutoff: September 28, 2005.
5. Dispositive motions: October 26, 2005.

6. Parties' Pretrial Materials, Discovery Materials, Witness Lists, Exhibit Lists and Designation of Discovery Responses: December 10, 2005.

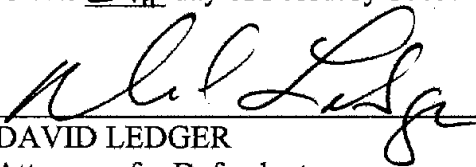
7. Proposed Pretrial Order: December 10, 2005.

8. Final Pretrial Conference: (date to be assigned by the Court).

9. Trial: (date to be assigned by the Court).

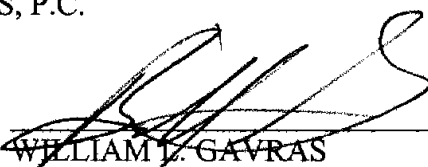
SO STIPULATED AND AGREED TO this 29<sup>th</sup> day of February 2005.

CARLSMITH BALL LLP

  
\_\_\_\_\_  
DAVID LEDGER  
Attorneys for Defendant  
Japan Airlines International Co., Ltd.

SO STIPULATED AND AGREED TO this 25 day of February 2005.


LAW OFFICES OF GORMAN & GAVRAS, P.C.

  
\_\_\_\_\_  
WILLIAM L. GAVRAS  
Attorneys for Plaintiffs  
Roberto J. Del Rosario and Melanie Del Rosario

# ORDER

THE COURT HAVING REVIEWED THE STIPULATION OF THE PARTIES TO AMEND THE RULE 16 ORDER TO EXTEND CERTAIN DEADLINES STATED THEREIN, AND GOOD CAUSE APPEARING THEREFORE, HEREBY ORDERS THAT THE RULE 16 ORDER BE AMENDED AS FOLLOWS:

1. Motions to add parties and claims: August 10, 2005.
  2. Motions to amend pleadings: August 10, 2005.
  3. Discovery motions: August 1, 2005.
  4. Discovery cutoff: September 28, 2005.
  5. Dispositive motions: October <sup>12</sup> 26, 2005. *gph*
  - gph* 6. Preliminary Pretrial Conference: November 22, 2005 at 10:30 am.
  6. Parties' Pretrial Materials, Discovery Materials, Witness Lists, Exhibit Lists and Designation of Discovery Responses: <sup>November 29</sup> ~~December 10~~, 2005. Trial briefs to be filed by Nov. 14, 2005 *gph*
  7. Proposed Pretrial Order: <sup>November 29</sup> ~~December 10~~, 2005. *gph*
  8. *A* Final Pretrial Conference: ~~(date to be assigned by the Court)~~ <sup>December 6, 2005 at 10:30am</sup> *gph*
  9. *A* Trial: ~~(date to be assigned by the Court)~~ <sup>December 13, 2005 at 9:00am</sup> *gph*
- SO ORDERED: March 1, 2005.

  
~~DESIGNATED JUDGE~~ MAGISTRATE JUDGE  
~~District Court of Guam~~ JOAQUIN V.E. MANIBUSAN, JR.

**RECEIVED**  
 FEB 28 2005  
 DISTRICT COURT OF GUAM  
 HAGATNA, GUAM